THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.5780 OF 2002

DATED:9.8.2005

Between:

A. Brahmaiah, S/o. A.Venkateswarlu

M/s.Aruna Wines, 7-4-576

Rayadurg, Anantapur District, and others

…Petitioners

And

The Government of A.P. rep. by its

Principal Secretary, Revenue (Excise) Department,

Secretariat Buildings, Hyderabad, and others

…Respondents

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ORDER:

Petitioners were granted licence in I.L.24 under A.P.Indian Liquor and Foreign Liquor Rules, 1970 for the year 2002-2003. The licence fee was collected based on 1991 census. Subsequently, when preliminary census 2001 figures were published, licence fee was sought to be enhanced. Assailing the same, present Writ Petition is filed.

This Court while admitting the Writ Petition on 1.4.2002 passed the following interim orders in W.P.M.P.No.7247 of 2002.

Learned counsel for the petitioners submits that there is no final publication of 2001 census. He has also submitted that the petitioners would pay the balance amount of licence fee for the excise year 2002-2003 basing on the population figures of 2001 census as soon as the final publication is made.

In the writ affidavit, the petitioners have not disputed the powers of the respondents in collecting the licence fee on the basis of the final publication of the census of 2001.

Heard the learned Government Pleader for Prohibition and Excise appearing for the respondents.

Under the above circumstances, there shall be an interim direction to the respondents to accept the licence fee from each of the petitioners at Rs.4,50,000/- and consider renewal of their licences for the excise year 2002-2003, subject to further orders of this Court. However, the petitioners shall pay the balance amount for the entire excise year 2002-2003 soon after the publication of 2001 census.

In view of the interim orders, petitioners are bound to pay licence fee as per 2001 census read with Rule 25 of the Rules. In fact, they have also given undertaking to that effect as seen from the interim order. As the licence itself is expired in 2003, nothing survives in the Writ Petition.

The Writ Petition with the above observation is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

9.8.2005

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